

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 17 Crematories — Permit, Licensing, and Fees

Authority: Health Occupations Article, §§1-213, 7-101, 7-102, 7-205, 7-314—7-316, and 7-319, Annotated Code of Maryland

.01 Scope.

This chapter governs the crematory permit process and fees for persons regulated under Health Occupations Article, Title 7, Annotated Code of Maryland.

.02 Permit — Issuing Agency.

A. Office of Cemetery Oversight. An individual shall obtain a permit to engage in the operation of a crematory from the Office:

- (1) If the individual:
 - (a) Holds a permit or registration under Business Regulation Article, Title 5, Annotated Code of Maryland; and
 - (b) Owns a greater interest in a crematory than a licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland;
- (2) If the person's ownership interest is equal to the ownership interest in the crematory of a licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland; or
- (3) If the person who owns the crematory is not:
 - (a) A licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland; or
 - (b) A registrant or permit holder under Business Regulation Article, Title 5, Annotated Code of Maryland.

B. Board of Morticians and Funeral Directors. A person shall obtain a permit to engage in the operation of a crematory from the Board if the person:

- (1) Is a licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland; and

- (2) Owns a greater interest in a crematory than a person who holds a permit or registration under Business Regulation Article, Title 5, Annotated Code of Maryland.

C. Before obtaining a permit from the Board, a crematory may cremate the human remains of one decedent provided the:

- (1) Cremation is only performed as part of the manufacturer's operator training course for the cremation machinery in which the cremation takes place; and
- (2) The person or persons with the right to final disposition of the decedent are notified and have given permission before the cremation.

.03 Permit — Requirements for Permit.

A. Subject to approval of the Board, a person shall receive a permit to operate a crematory in this State if the person meets the permit requirements of this chapter.

B. A person shall:

- (1) Submit an application on a form provided by the Board;
- (2) Pay the nonrefundable application fee and any other applicable fees set forth in Regulation .09 of this chapter;
- (3) Be of good moral character, if the applicant is an individual;
- (4) Designate a registered crematory operator who shall be responsible for the day-to-day operation of the business provided that the registered crematory operator may not be designated as the responsible party for more than a total of two crematories;
- (5) Provide a certificate of status, issued by the Maryland Department of Assessments and Taxation, if the applicant is a business entity:
 - (a) Indicating that the entity is in good standing, or its equivalent as determined by the Board; and
 - (b) Dated not earlier than 30 days before the application; and
- (6) Comply with all applicable federal, State, and local laws.

C. An operating crematory shall apply to the Board for a permit within 90 days from the effective date of this regulation or be subject to Board action.

D. Before applying to the Board for a permit, any crematory not in operation before the effective date of this chapter shall have in its employ an individual who holds a certification from:

- (1) The Cremation Association of North America (CANA);
- (2) The International Cemetery, Cremation and Funeral Association (ICCFA); or
- (3) Another equivalent body recognized jointly by the Board and the Office.

.04 Requirements for Registration of a Registered Crematory Operator.

A. An individual may be registered by the Board as a registered crematory operator if the individual meets the requirements of this regulation.

B. An individual shall:

- (1) Submit an application on a form provided by the Board;
- (2) Pay the nonrefundable fee and any other applicable fee set forth in Regulation .09 of this chapter;
- (3) Be of good moral character;
- (4) Be 18 years old or older;
- (5) Achieve certification as a crematory operator by the Cremation Association of North America (CANA), International Cemetery, Cremation and Funeral Association (ICCF), or other equivalent certification recognized jointly by the Board and the Office;
- (6) In the crematory with which the applicant is affiliated:
 - (a) Successfully complete the operator training course of the manufacturer of the cremator; or
 - (b) Provide a notarized letter by the supervising crematory operator for which the individual is employed indicating the completion of training on the cremator; and
- (7) Provide evidence to the Board of the individual's ability to read and write.

C. To qualify as a trainer, the supervising crematory operator shall have a minimum of 3 years experience on the associated cremator.

.05 Change of Information.

The permit holder or registered crematory operator shall notify the Board of any change in the information provided in the application either before or after the issuance of a permit or registration within a reasonable period of time but not to exceed 7 days from the date of the change.

.06 Renewals.

A. Before the expiration date of the permit or registration, a permit holder or registered crematory operator shall complete and return the renewal form, pay the nonrefundable renewal fee, and submit any required documentation.

B. A person who has a permit or registration as a permit holder or registered crematory operator may renew the permit or registration every 2 years, beginning on a date specified by the Board, in the following manner:

- (1) Complete the renewal application form;
- (2) Pay the nonrefundable renewal fee set forth in Regulation .09 of this chapter;

(3) Meet the permit and registration requirements of this chapter and Health Occupations Article, Title 7, Annotated Code of Maryland; and

(4) Submit the required documentation.

C. After the expiration date, if an application for renewal of a permit or registration has not been made or if the individual has been identified by the Office of the Comptroller or the Maryland Department of Labor as delinquent in the payment of taxes or unemployment insurance contributions, pursuant to tax compliance regulations of COMAR 10.31.02 or, pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland, has outstanding child support obligations, the individual may not engage in the operation of a crematory business or act as a registered crematory operator.

D. An individual who engages in the operation of a crematory business or acts as a registered crematory operator without renewing the required permit or registration is subject to disciplinary action by the Board.

E. If a permit holder or registered crematory operator applies for renewal past the expiration date of the permit or registration, the individual shall pay the renewal fee plus the late renewal fee set forth in Regulation .08 of this chapter.

.07 Lapsed Permit.

A person who has been issued a permit and who has allowed the permit to lapse for at least 6 months may apply for a permit by doing the following:

A. Completing a permit application form;

B. Paying the permit fee and the late renewal fee set forth in Regulation .09 of this chapter;

C. Meeting the permit requirements under this chapter;

D. Submitting the documentation required by this chapter;

E. Providing a full written explanation to the Board detailing the reasons why the permit was allowed to expire and why a permit is now sought; and

F. Submitting to the Board an affidavit stating that the person did not engage in the operation of a crematory in this State while the permit was lapsed.

.08 Fees.

The following fees are established by the Board:

A. Initial permit or registration and renewal fees:

(1) Crematory permit — \$350;

(2) Registered crematory operator — \$300;

(3) Crematory permit renewal — \$350;

(4) Registered crematory operator renewal — \$300; and

(5) Late fee — \$200; and

B. Miscellaneous fees:

(1) Replacement of permit or registration — \$50;

(2) Returned check fee — \$50;

(3) Duplicate permit or registration — \$50;

(4) Business name change — \$50;

(5) Personal name change — \$50;

(6) Business address change — \$50; and

(7) Annual pre-need sales trust report — \$25.

.09 Display of Permit.

A permit and registration, as well as any other permit or license required by local, State, or federal agencies, shall be conspicuously displayed in a public area on the crematory premises.

Administrative History

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adopted permanently effective November 10, 2014 (41:22 Md. R. 1319)

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